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09/691,909	10/20/2000	Yasuyuki Ikeguchi	P107314-00013	7608

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ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
Suite 600
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5339

EXAMINER

YENKE, BRIAN P

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/691,909

Applicant(s)

IKEGUCHI, YASUYUKI

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Response (23 June 2003).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 23 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments filed 23 June 2003 have been fully considered but they are not persuasive.

Drawings

2. The corrected drawing (Fig 4) has been received, and is approved by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,4-5, 8-9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Moon, US 6,501,510.

In considering claim 1,

a) the claimed providing a receiving section...is met by tuner 102, which receives analog and digital signals simultaneously (col 3, line 54-56).

b) the claimed judging, when a digital television broadcasting program is selected, whether or not an analog...is met by controller 120 and determines whether or not a digital broadcast signal is received (col 3, line 45-53) (Fig 1).

c) the claimed receiving and outputting...is met where control unit 120 gives priority to the digital broadcast signal, when both the analog and digital broadcast signals are both received (col e, line 54-61), and when the digital broadcast signal is not detected the analog broadcast signal is selected (col 3, line 62-65).

In considering claims 4, 8 and 12,

Moon discloses a digital/analog broadcast signal processing unit which receives a same channel signal both in analog and digital form, where tuner 102 selectively transmits the digital signal if received to digital processor 10000 via digital demodulator 103 and the analog received signal to analog demodulator 112. Thus tuner 102 based on the received waveform(s) determines the demodulation performed via demodulator 112 or 103.

In considering claims 5 and 9,

a) the claimed a receiving section for digital television broadcasting is met by tuner 102, which processes a digital signal via digital signal broadcasting processing block 1000 (Fig 1).

b) the claimed a receiving section for analog television broadcasting is met by tuner 102 via analog broadcast signal demodulator 112 (Fig 1).

c) the claimed switching means...is met by controller 120 which switches between analog and video signals via video switching unit 113 (Fig 1).

d) the claimed means for causing...is met where when a user selects a channel via key input unit 121, the tuner will receive the analog channel which is processed via tuner 102 and demodulator 112, in addition if a digital signal is also broadcasted for the same channel which is received via tuner 102 and digital processing 1000, the digital signal is selected via controller 120 and video switching unit 113.

e) the claimed means for causing...is met where the control unit 120, can be designed to give priority to the digital broadcast signal when both the digital and analog signals are received, and also the switching control signal can be generated by a user to manually select either the analog or digital signal received.

f) the claimed means for controlling...is met by controller 120, via video switching unit 113, which controls whether the analog or video signals are selected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4a. Claims 2, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon, US 6,501,510 in view of *Eyer, US 6,483,517*.

In considering claims 2, 6 and 10,

Moon discloses an analog/digital broadcast signal processing unit that receives/displays the digital signal when both an analog and digital signal are simultaneously received, and also provides the user the ability to switch between the received analog or digital signals.

However, Moon does not disclose the basis of an analog broadcast judgment being made, being based on additional information sent as part of the broadcasting data relating to the digital television broadcasting.

The examiner incorporates Eyer, US 6,483,547, which discloses transmission signal identification for analog television broadcasts. Eyer discloses a system which inserts a transmission signal identifier in an analog at the transmission side which is received/recovered by the receiver in order to access channel data provided by a digital source. Thus Eyer discloses positively identifies an analog television signal that is received, in order to determine by reference to a channel map to identify digital programming services which encompass the one or more analog services.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Moon which discloses receiving both analog and digital signals of the same channel, with Eyer in order to provide a system which properly identifies analog signals that are broadcast concurrently with counterpart digital signal carrying the same service, in order to eliminate the misidentification of an analog channel based on channel frequency (col 7, line 64 to col 8, line 3).

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4b. Claims 3, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon, US 6,501,510 in view of Yuen et al., US 6,252,634.

In considering claims 3, 7 and 11,

Moon discloses an analog/digital broadcast signal processing unit that receives/displays the digital signal when both an analog and digital signal are simultaneously received, and also provides the user the ability to switch between the received analog or digital signals.

However, Moon does not disclose channel map information which is stored in a storage device at the time of shipment.

The storing of channel map information is conventional in the art.

The examiner incorporates Yuen which discloses that channel map information is stored in commercial remote controllers where the channel map information stored is applicable/relevant to the particular television service for a given geographic area.

As stated above, Moon discloses a system which receives analog/digital signal, and in the event the digital signal is also received in addition to the analog signal, the digital signal can optionally be displayed. Moon also discloses that the users input via key input 121 is received by controller 120, which can give priority to the digital signal, or alternatively, the user can switch between received signals.

Although, Moon is silent on channel maps, it would have been obvious to one of ordinary skill to modify/utilize Moon which discloses received both analog and digital broadcasts (of the same channel) with Yuen, in order to provide a tuning system which provides the user the ability to channel surf/select, stations which are broadcast in the

geographic region/can be received, eliminating the user to surfing/selecting stations which cannot be received/displayed.

Applicant's Arguments

a) Regarding claims 1, 4, 5, 8, 9 and 12 applicant states that Moon does not disclose "judging, when a digital television broadcasting program is selected, whether or not an analog television program having the same contents as those of the selected digital television broadcasting program having the same contents as those of the selected digital television broadcast program is being broadcast" and a "means for causing, when a digital television broadcasting program is selected, the receiving section for digital television to receive the selected digital television broadcast program, controlling the switching means so as to select the output of the receiving section for digital television broadcasting, and judging whether or not an analog television broadcast program having the same contents as those of the selected digital television broadcasting program is being broadcast".

b) Regarding claims 2, 6 and 10 applicant states neither Moon or Eyer disclose "judging, when a digital television broadcasting program is selected, whether or not an analog television broadcasting program having the same contents as those of the selected digital television broadcasting program is being broadcast".

c) Regarding claims 3, 7 and 11 applicant states neither Moon or Yuen disclose "judging, when a digital television broadcasting program is selected, whether or not an

analog television broadcasting program having the same contents as those of the selected digital television broadcasting is being broadcast.”

Examiner's Response

a-c) The examiner disagrees. As stated above in the rejection Moon discloses a system which is able to receive a broadcast signal in both an analog and digital form. In the event that a broadcast signal/channel is transmitted in both an analog form and a digital form, Moon discloses a control unit 120 which includes a program which can be designed to give priority to the digital broadcast signal when the digital and analog broadcast signals are simultaneously received (col 3, line 54-61). Moon also discloses that the switching control signal can be generated by a user manually selecting the input signals of the audio switching unit 108 and the video switching unit 113 through a key command inputted via the key input unit 121. Thus, either the digital broadcast or the analog broadcast signal is selected according to the switching control signal of controller 120. Therefore, Moon clearly judges when both analog and digital signals are received, and thus preferentially selects the digital signal broadcast. Moon judges when digital program is selected, since it preferentially selects the digital program in the event an analog broadcast of the same program is available.

b) The examiner disagrees as stated above (a). It should be noted that Eyer, was incorporated into the rejection to show/illustrate a system that provided transmission signal identification for analog television broadcasts. Eyer discloses a system which inserts a transmission signal identifier in an analog at the transmission side which is

received/recovered by the receiver in order to access channel data provided by a digital source. Thus Eyer discloses positively identifies an analog television signal that is received, in order to determine by reference to a channel map to identify digital programming services which encompass the one or more analog services.

c) The examiner disagrees as stated above (a). It should be noted, the examiner incorporated Yuen, into the rejection to show/illustrate a system where channel map information is stored in commercial remote controllers where the channel map information stored is applicable/relevant to the particular television service for a given geographic area.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newly cited references as described below:

Grabb et al., US 6,538,704 discloses a digital television receiver which includes an NTSC tuner and a ATSC tuner, where the system user the NTSC tuner channels to speed the acquisition and lock on to the changing of ATSC channels.

Brobert, US 6,529,680 discloses a device for selecting and controlling a plurality of signal sources in a television system including analog and digital channels.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or

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relating to the status of this application or proceeding should be directed to the
Technology Center 2600 Customer Service Office whose telephone number is
(703)305-4700.

B.P.Y.

30 June 2003


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600